

## **DETAILED ACTION**

### ***Response to Arguments***

1. Finality of the previous action is withdrawn.
2. Applicant's arguments filed 12/03/2007 have been fully considered but they are not persuasive. Paragraph 26 indicates that round-trip delay may be up to 0.5 ms but may also be as low as 0.05 ms. At most the delay between a reservation request and reception of the ACK should be 0.1 ms. Assuming we must wait a whole round trip time of 0.05 ms for a slot to come around in which to send the request, the reply can only take another 0.05 ms, which is the indicated maximum round-trip time. A delay of 0.1 ms can be considered "substantially simultaneous." Additionally, paragraph 10 indicates one of the objectives of Tancevski is to reduce the round-trip delay in order to decrease delays and strains on the buffers.

### ***Claim Rejections - 35 USC § 102***

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1, 3, 4, and 10 are rejected under 35 U.S.C. 102(e) as being anticipated by Tancevski (US 2006/0092958).
4. In regards to claim 1, Tancevski discloses a network comprising: a plurality of data channels (figure 2 element 24); a control channel (fig. 2.22); tokens which pass between nodes on the control channel (fig. 4.30); wherein tokens advertise availability of receivers at a destination node and notify a source when a transmission did not succeed (paragraph 27). Paragraph 26 indicated round-trip delay can be as low as 0.05 ms. Even waiting another 0.05 ms for the response, data arriving within 0.1 ms has arrived substantially simultaneously.

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5. In regards to claim 3, Tancevski discloses notifying a source when transmission did not succeed with a NACK in figure 5 and paragraph 27. Further, paragraph 28 indicates each node is kept current about the status of each node and which channels are in use, so a node is notified if a channel it tried to reserve has already been reserved by a different node.

6. In regards to claim 4, Tancevski discloses the network of claim 1, wherein each node of the network has fewer transmitters and receivers than data channels (Paragraph 27 indicates some or all stations are tunable to only a subset of the channels).

7. In regards to claim 10, Tancevski discloses reserving apparently available receivers at downstream nodes without external confirmation. Figure 6 illustrates the table kept by each node to indicate the availability of other nodes and channels. This information is used to reserve a receiving node.

#### ***Allowable Subject Matter***

8. Claims 12-21 are allowed.

9. Claims 5-9 and 11 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

10. The indicated allowability of claim 3 and 10 has been withdrawn.

#### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to KERRI M. ROSE whose telephone number is (571) 272-0542. The examiner can normally be reached on Monday through Thursday, 7:00 am - 4:30 pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Aung MOE can be reached on (571) 272-7314. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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